

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:13-cr-0172-TWP-MJD-01
	)	
ZACHARY DION WILLIAMS,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On March 4, 2015, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on January 23, 2015. Defendant Williams appeared in person with his appointed counsel, William Dazey. The government appeared by Brad Shepard, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Diane Asher.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Williams of his rights and provided him with a copy of the petition. Defendant Williams waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Williams admitted to having committed violation no. 5. [Dkt. 12.]
3. The allegation to which Defendant admitted his guilt, as fully set forth in the petition, is as follows:

**Violation  
Number**

**Nature of Noncompliance**

- 5           **“The defendant shall refrain from any unlawful use of a controlled substance.”**

Mr. Williams submitted drug screens on December 16, 2014, and January 7, 2015, both of which returned positive for marijuana.

As previously reported to the Court, on November 1 and 12, 2014, Mr. Williams submitted drug screens which tested positive for marijuana. On November 12, 2014, he admitted his use of marijuana to the probation officer.

[Dkt. 12 at 2.]

4.       The Government orally moved to dismiss violations 1, 2, 3, 4, and 6 and the Court granted the same.

5.       The parties stipulated that:

- (a)     The highest grade of violation is a Grade C violation.
- (b)     Defendant’s criminal history category is IV.
- (c)     The recommended range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months’ imprisonment.

6.       The parties jointly recommended a sentence of 12 months and 1 day in the custody of the Federal Bureau of Prisons with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions of his supervised release as set forth at Violation No. 5 of the Petition, and that his supervised release should be revoked. Based upon the factors set forth more fully on the record, the Magistrate Judge further finds that the period of incarceration jointly recommended by the parties is appropriate, that good

cause exists for an upward departure from the recommended period of incarceration as set forth in the Sentencing Guidelines, and that Defendant should be sentenced to the custody of the Attorney General or his designee for a period of 12 months and 1 day with no supervised release to follow. The Defendant was taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties agreed on the record to waive the fourteen-day period to object to this Report and Recommendation.

Dated: 03/18/2015



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Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

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